

Applicant: Pei-Hung Chu
Serial No.: 10/609,039
Page 8 of 9

REMARKS

Claims 11, 12 and 14 have been amended. Claims 1-35 are presently pending in the application.

The Office Action rejected claims 11-20 under 35 U.S.C. Section 112, first paragraph, as containing subject matter which was allegedly not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In particular, the Office Action cited to "a material layer" of claim 11 as introducing new matter.

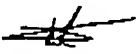
Applicant respectfully traverses this rejection, and directs the Examiner's attention to page 8, lines 13-25 which states that: "In modified embodiments, other materials may be used ... instead of the above-described antireflective coating layers for the etch stop layer 204, so long as a selectivity of the etchant for the dielectric layer 208 is sufficiently greater than for the etch stop layer 204 ... For example, it may be possible to form the etch stop layer 204 of silicon nitride (patterned by an antireflective coating and the photoresist layer 206) ... so that the silicon nitride serves as an etch inhibitor and, more preferably, as an etch stop. As another example, the etch stop layer 204 may comprise polysilicon...." This language clearly categorizes the etch stop layer as a "material" layer, and in particular states that it may be formed of other "materials ... so long as a selectivity of the etchant for the dielectric layer 208 is sufficiently greater than for the etch stop layer 204." *Id.* In an effort to expedite the prosecution of the subject application, however, Applicant with this amendment changes the term "material layer" in claims 11, 12 and 14 back to "etch stop layer." Accordingly, Applicant requests that the rejection be reconsidered and withdrawn.

Applicant: Pei-Hung Chu
Serial No.: 10/609,039
Page 9 of 9

In view of the above, Applicant respectfully submits that the application is now in condition for allowance, and an early indication of same is requested. The Examiner is invited to contact the undersigned with any questions.

Respectfully submitted,

Date: June 30, 2004



Kenton R. Mullins
Attorney for Applicant
Reg. No. 36,331

Stout, Uxa, Buyan & Mullins, LLP
4 Venture, Suite 300
Irvine, CA 92618
Telephone: (949) 450-1750
Facsimile: (949) 450-1764